

DIST/OFFICE	DOCKET YR. NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	R 23	\$	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR. NUMBER
1085/4	76 0004	01 08 76	4	380	1	21			70	8510		76 0004-C

PLAINTIFFS

TRI-J DRILLING COMPANY, a
foreign corporation, licensed
to do business in the State
of Oklahoma,

DEFENDANTS

INDEPENDENT TRUCKING COMPANY,
an Oklahoma corporation

CAUSE

28 U.S.C. 1332 Action for damages to personal property caused by
negligence of defendant.

ATTORNEYS

Roger R. Scott, Nash Lamb
Pray, Scott & Williamson
2910 Fourth National Bank Building
Tulsa, Oklahoma 74119
583-1366

~~Page Dobson,~~
~~Rhodes, Hieronymus, Holloway &~~
~~Wilson~~
~~101 Park Ave Bldg., Suite 1100~~
~~Oklahoma City, Ok. 73102~~

Jack B. Sellers
P. O. Box 730
Sapulpa, Oklahoma 74066

☐ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

FILING FEES PAID

DATE	RECEIPT NUMBER	C.D. NUMBER

STATISTICAL CARDS

CARD DATE MAILED
JS-5 2-1-76
JS-6 7-1-77

DATE	NR.	PROCEEDINGS
1976		
1-8-76	1.	Complaint filed, Summons issued.tc
1-16		Summons, ret. & filed: served Independent Trucking Co. by serving Bob Shideler on 1-16-76. (USM \$13.80)g
2-3	2	Appl. of deft. for ext. of time, with Order granting deft. until 3-5-76 to plead without waiving objection to venue or jurisdiction, filed. (HDC-J)g cpies mld.
3-5	3.	Defense to Complaint and Mtn. for More Definitive Statement, with brief in support, filed.jj
3-8	MO:	It is Ordered by the Court that pltf. is granted 10 days to respond to defendant's Defense to Complaint and Mtn. for More Definitive Statement. (HDC-J)jj
3-12	4.	Pltf's reply to defense to complaint and response to motion for more definite statement, filed. ph
3-12	5.	Brief in support of pltf's reply and response, filed. ph
4-2	6.	Additional Statement in Support of Defense to Complaint, filed w/ brief in support.jj
6-3	7.	Order, filed, overruling mo/more definite statement and mo/add. party defs; further that def. is granted 10 days to file Answer.(HDC-J)rm-cpy
6-17	8.	Answer of deft., filed. ph
6-18	9.	Motion of Page Dobson to withdraw as counsel of record for def., filed. rm
6-22	MO:	Case set for PT on 8-27-76 at 2:00 p.m. (HDC-J)ph notices mld
6-22		Subpoenae, ret. & filed: served Bill R. Simmonds, M. O. Breeding and J. Haskell Askew on 6-17-76, all in Ok. City. g (USM \$10.72)g
6-23	10.	Order permitting withdrawal of record counsel, filed, allowing Page Dobson to withdraw as co-counsel for deft. (HDC-J)hm (copies mailed)
7-21		Depositions of J. Haskell Askew and Bill R. Simmonds taken on behalf of deft. on 6-22-76 at Bristow, Ok., before Kathy Noulles, CSR, filed. Fee of \$180.00 pd. by deft.s
7-21		Deposition exhibits 1 thru 24 and 27 thru 31 from depositions taken on 6-22-76, filed.s
8-3	--	Deposition of Marvin O. Breeding taken on 6-22-76 between hours of 10:00 a.m. and 4:00 p.m. at Bristow, OK. (K. Noulles-CSR)ph (\$63.00 pd by deft.)
8-27	MO:	Pre-trial hearing held. Statements made. Deft. to file waiver of jury within 10 days, over no obj. from pltf. Deft. admits liability & only question is amt. of damages. Parties announce possibility of settlement. Pltf. to prepare PT order by 9-30-76 and case set for non-jury trial 11-15-76 at 9:30 a.m. (HDC-J)hm
10-6	11.	Deft's proposed PT order, filed. ph
10-6	12.	Pltf's proposed PT order, filed. ph
10-15	--	Transcript of proceedings had on 8-27-76, PT Conf., filed. ph
10-15		Pre-Trial Order, filed.(HDC-J)rm (Same as pltf. proposed pt order filed on 10/6/76)
11-5	13.	Pltf's proposed list of witnesses, filed.s
11-12	14.	Deft's motion for continuance of trial setting of 11-15-76, filed. ph
11-12	MO:	Ordered that the case having been set on Aug. 27 at the PT hearing for N/J trial on 11-15-76 by agreement of all counsel, the motion of the deft. for continuance is hereby denied. (HDC-J)hm (parties phoned)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-4-C</u>
			PAGE <u>2</u> OF <u> </u> PAGES
DATE	NR.	PROCEEDINGS	
11-15	MO:	Case called for non-jury trial. Parties represented. Deft. renews mo/continuance & it is overruled. Deft. announces he is not ready for trial & Court states case will go to trial. Case passed to Thurs., 11-18-76 at 9:30 a.m. (HDC-J)hm	
11-16	MO:	Case continued for N/J trial until 1-3-77 at 10:00a.m. (HDC-J)hm	
12-23	15.	Pltf's amended proposed list of witnesses, filed. ph	
1-3-77	MO:	Case called for N/J trial. Parties represented & announce ready. Rule invoked. Opening statements made. Pltf. presents case in chief w/test. of witnesses & introduction of exhibits. Pltf. offers portions of depositions of J. Haskell Askew into evidence. Pltf. rests. Deft. given permission to take depositions of Tri-State Sales personnel, over objections of pltf. & case to be submitted for decision after filing of said deposition. Deft's exhibits introduced. Suggested F/F & C/L to be filed simultaneously 5 days after filing of transcript. Deft. allowed to withdraw deft's ex. 1,2,3,4,5,6&8 & pltf. allowed to withdraw pltf's ex. 9,10,11&12, all to be replaced after taking of depositions. (HDC-J)hm	
1-3		Trial exhibits, filed. hm	
1-13		Deposition of Leslie E. Andersen, filed, taken on behalf of deft. on 1-7-77. (Fees pd. by deft.)hm	
1-13	16.	Deft's mo/dismiss, filed. hm	
1-13	MO:	Ordered that deft's mo/dismiss is allowed to be filed without brief; that brief in support of mo/dismiss shall be filed within 10 days; and that pltf. shall be granted 10 days from filing of deft's brief within which to respond. (HDC-J)hm (letter written parties)	
1-14		Reporter's partial transcript of proceedings had on 1/3/77, nonjury trial, filed. (T. Bloxom-CR)rm	
1-20	17.	Pltf's proposed Findings of Facts, filed. ph	
1-21	18.	Deft's requested F/F and C/L, filed. ph	
1-24	19.	Memo. in support of Deft.'s motion to Dismiss, fld. v	
1-24	MO:	Pltf. granted 10 days from this date to file response regarding motion to dismiss. (HDC-J)v	
2-1-77	20.	Pltf's memo. in response to deft's mo/dismiss, filed. ph	
2-7	21.	Deft's application for leave to file reply brief, filed. ph (O to J) (O a part of appl.)	
2-14		Order (as part of application) granting deft leave to file reply brief on or before 2/14/77. (HDC-J)rm-copies mailed	
2-16	22.	Deft's reply to memo. of pltf. in response to deft's mo/dismiss, filed.ph	
6-17	23.	Findings of fact and conclusions of law, filed. (HDC-J)hm (copies mailed)	
6-17	24.	Order, filed, overruling deft's mo/dismiss. (HDC-J)hm (copies mailed)	
6-17	25.	Judgment, filed and entered, for pltf. in amount of \$18,094.56. (HDC-J)hm (copies mailed)	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 76-C-4-C Sheet 2, Page 4 PAGE XXXX OF XXXX PAGES
TRI-J DRILLING CO.		Independent Trucking Co.	
DATE 77	NR.	PROCEEDINGS	
6-23	26.	Bill of Costs, fld. Taxation hrg. set for 6-30-77 at 10:00 a.m. before the Clk. v	
6-30	--	Bill of costs taxed in the amount of \$28.00 in favor of pltf. (JCS-CC ph	
7-15	27.	Deft's notice of appeal, filed. ph cps mld	
7-15	28.	Deft's cost bond on appeal in amt. of \$250.00 cash, filed. ph	
7-25	----	Writ of execution issued. rm	
8-2		Execution ret. & fld: served Independent Trucking Co., Drumright, Ok. 7-27-77, nothing of value found. (USM \$13.80)g	
8-12	29.	Order extending time to transmit appeal record to 9/20/77, filed. rm copies to counsel and USCA	
8-22	30.	Applic. of pltf. for citation to disclose assets, filed. hm	
8-22	MO:	Ordered that hearing on disclosure of assets is referred to Magistrate Rizley. (HDC-J)hm	
8-22	31.	Order to appear and ans. as to assets and forbidding a transfer or other dispos. of property, set for hrg before Mag. Rizley on 9-12-77 at 10:00 a.m.	
8-23	32.	Motion to allow deposit of funds to stay execution of judgment on appeal, filed. w/memo. in support of motion. ph (check in court)	
8-26	--	Return on order to ans. as to assets, filed: Served Bob Schidler, Officer of Indep. Trucking Co. on 8-26-77 at Drumright, OK. (USM \$13.80)ph	
8-30	33.	Pltfs. resp. to defts. motion to allow deposit of funds to stay execution of judgment on appeal, filed. ph	
8-30	34.	Memo. of authority in support of pltfs. response, filed. ph	
8-31	MO:	It is hereby ordered that deft's mo/allow deposit of funds to stay execution of judgment on appeal is hereby denied, and supersedeas bond is set in the amt. of \$20,000. (HDC-J)ph ltr mld	
9-9	---	Reporter's transcript of non-jury trial proceedings had on 11/15/76 and 1/3/77, filed. (T. Bloxom-CR) (pp. 1-149) rm	
9-12	MO:	By stipulation, asset hrg. set before U. S. Magistrate for 9/12/77 is stricken and reset for 9/26/77 at 10a.m. (RSR-Mag)rm-notices by KT	
9-13	--	Appeal record (7 vols) transmitted to USCA.rm	
9-22	--	Letter from 10th Circuit, assigning No. 77-1574. rm	
9-26	MO:	By agreement of parties, asset hrg. set before U.S. Mag. this date is continued until 10-7-77 at 10:00 a.m. (RSR-Mag)hm (parties notified)	
10-7	35.	Order, filed, that Clerk deposit cashier's check submitted by deft. in amt. of \$18,123.36 and check submitted by deft. in amt. of \$1,905.44 in the Registry of this Court, and that the Clerk then purchase an int-bearing CD, renewable every 60 days, in amt. of \$20,000. The balance of \$28.80 shall be held in the Registry of the Court for payment of costs. (HDC-J)ph cps mld	
10-7	36.	Cash supersedeas bond in amt. of \$20,000.00 by Independent Trucking Co., filed. ph	
10-7	MO:	Assets hearing held by Magistrate, supersedeas bond filed; Assets hearing stricken as moot. (RSR-Mag)ph	

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CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF	DEFENDANT	DOCKET NO. <u>76-C-4-C</u>
Tri-J Drilling Co.	Ind. Trucking Co.	PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
4-27-78	37.	Mandate and opinion of 10th Circuit, filed and spread of record, affirmed. judg. of 6/17/77. rm
4-27-78	38.	Statement of costs from 10th Circuit, filed and taxed, in amt. of \$136.00 in favor of appellee Tri-J Drilling and against appellant Independent Trucking Company, rm (judg. cards made)
4-28	39.	Pltf's applic. for disbursement of supersedeas bond, filed. hm
5-2	40.	Order, filed, that Clerk disburse \$19,822.52 to pltf. from proceeds of cash supersedeas bond & \$177.48 to deft. as remaining portion of bond. (HDC-J)hm (copies mailed)
5-2	41.	Order for disbursement of funds, filed, directing Clerk to disburse \$781.58 to deft. for refund of cost bond, refund of costs & interest on C/D. (HDC-J)hm (copies mailed)
5-26	---	Portions of orig. appeal record, received. Vol. I (copy only), II, III (depositions); IV(exhibits); V(deps.); VI(transcript);VII(copy of transcript) and folder of exhibits. rm
9-6-78		Deps. & exhibits (copies) returned to counsel. g

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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DATE	NR.	PROCEEDINGS
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